

REMARKS

Applicant recognizes with appreciation that Examiner has indicated that Claims 4 and 7 – 11 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

In this Amendment, Applicant has cancelled Claims 4 and 9, without prejudice or disclaimer and amended Claims 1, 6, 10 and 11. Claims 1 and 6 have been amended to overcome the rejections and include the allowable features of cancelled Claims 4 and 9. Claims 10 and 11 have been amended to correct certain informalities and rephrase certain expressions. The support for the amendment can be found throughout the specification. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

OBJECTION TO CLAIM:

Claim 11 has been objected to because of certain informalities. It is respectfully submitted that the amended Claim 11 has corrected the informalities indicated by the Examiner. More specifically, “the sub-step of figuring out histogram ...” has antecedent basis in the amended Claims 6 and 10. Therefore, withdrawal of the objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1 – 3 and 5 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Yaroslavsky (US Pub. No. 2003/0118245). Claims 6 and 12 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Lee (US 6,507,366).

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited reference. More specifically, Claims 1 and 6 have been amended to incorporate the allowable features of Claims 4 and 9, respectively. Therefore, Claims 1 and 6 are allowable. Accordingly, Claims 2 – 3, 5 and 12 are also allowable due to their dependence on allowable Claims 1 and 6.

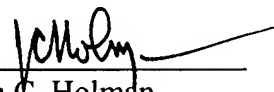
Therefore, the newly presented claims are not anticipated by Yaroslavsky or Lee, and the rejection under 35 U.S.C. § 102 (e) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (e) is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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